

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHARLES L. BOBO,

Plaintiff,

V.

STATE OF WASHINGTON DEPARTMENT
OF SOCIAL & HEALTH SERVICES.

Defendant.

Case No. C13-1529-RSL

REPORT AND RECOMMENDATION

Pro se plaintiff Charles L. Bobo submitted an IFP application and proposed complaint.

Dkt. 1. Plaintiff brings his claims against the State of Washington Department of Social and Health Services (“DSHS”) and describes his complaint as follows: “DSHS incapacity still say mental health disorder should say physical DSHS gave me physical evaluation form to be fill [sic] out went to Pike Market Medical and seen doctor Anjali D’Souza M.D. she will not will out the form.” Dkt. 1-1 at 1. Plaintiff alleges the basis for jurisdiction as “[t]hey said you did not report wages from part time work in a timely manner and mental health disorder and treatment.”

Id. at 2.

In at least three prior instances, plaintiff alleged similar claims against the same defendant named in this action. *See Bobo v. State of Washington DSHS*, C13-0774-MJP; *Bobo v. State of Washington DSHS*, C12-1992-RAJ; *Bobo v. State of Washington DSHS*, C10-1976-RAJ.

1 In fact, plaintiff's proposed complaint is almost identical to his last filing against Washington
2 State DSHS. *See Bobo*, C13-0774-MJP. In that case, the Court dismissed the action upon
3 finding no basis for subject matter jurisdiction.

4 Under 28 U.S.C. § 1915(e), the district court must dismiss a case "at any time" it
5 determines a complaint is frivolous or fails to state a claim on which relief may be granted. 28
6 U.S.C. § 1915(e)(2). Section 1915(e) applies to all IFP proceedings, not just those filed by
7 prisoners. *Lopez v. Smith*, 203 F.3d 1122, 1127 (9th Cir. 2000). Plaintiff's proposed complaint
8 is almost identical to the complaint he filed earlier this year. As with the prior complaint, there
9 does not appear to be any basis for subject matter jurisdiction. Accordingly, the Court
10 recommends that plaintiff's IFP application be **STRICKEN** and this matter **DISMISSED** with
11 prejudice. A proposed Order accompanies this Report and Recommendation.

12 Any objection to this Recommendation must be filed no later than **September 12, 2013**.
13 The Clerk should note the matter for **September 13, 2013**, as ready for the District Judge's
14 consideration. Any objection shall not exceed 5 pages. The failure to timely object may affect
15 the right to appeal.

16 DATED this 29th day of August, 2013.

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19 BRIAN A. TSUCHIDA
20 United States Magistrate Judge
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